STATUTES—VARIANCE BETWEEN ENROLLED BILL AND JOURNAL.—On a dispute as to the constitutionality of an act of the legislature based upon the question whether the title to said act must be taken to be that inscribed on the journals of the houses, and as such insufficient because constiutionally too narrow, or that set forth in the enrolled copy of the act, which was broad enough to satisfy the requirement. *Held,* that the journals must control. *Wade* v. *Atlantic Lumber Company* (1906), — Fla. —, 41 So. Rep. 72.

The English courts very early committed themselves to the doctrine that the enrolled copy of the bill properly authenticated was conclusive evidence of the act of the legislature (*Prince's Case,* 8 Co. Rep. 13), and this rule has not been departed from. Decisions in this country are about evenly divided on the question, though the trend seems to be toward the English rule. Supporting this rule are, the courts of Ariz., Cal., Conn., Md., Ky., La., Me., Miss., Nev., N. J., N. Y. probably, N. C., Penn., S. C., S. D., Tex., U. S., Utah, Vt., Wash. Contra are, Ala., Ark., Colo., Fla., Ida., Ill., Iowa, Kan., Md., Mich., Minn., Mo., Nebr., N. H., Ohio, Oregon, Tenn., Va., W. Va., Wis., Wyo. Upon principle the so-called American doctrine seems hard to justify. The main argument advanced in its support appears to be this, that it is necessary for the protection of the people against unconstitutional laws, promulgated by corrupt legislators. This argument is based on the fallacious assumption that the judiciary is and must be the sole conservator of the rights and liberties of the people. This would seem to be extending the jurisdiction of the judiciary too far and obscuring the fundamental distinctions between the departments of government. It is derogatory to the dignity of the legislature, as a co-ordinate function of government, as well as subversive of the power reposed in it by the people, that its acts to acquire validity must first be reviewed by the judiciary. See WIGMORE, EVIDENCE, § 1350. For leading opinions upholding the English doctrine see *Sherman* v. *Story,* 30 Cal. 253; *Rex* v. *Arundel,* Hob. 110; *Pangborn* v. *Young,* 32 N. J. L. 29; *George* v. *Swift,* 10 Nev. 176. Contra, *Fowler* v. *Peirre,* 2 Cal. 165; *Koehler & Lange* v. *Hill,* 60 Iowa 543; also COOLEY, CONST. LIM., 5th Ed., pp. 163-164; SUTHERLAND, STAT. CON., 2nd Ed., § 48.

STATUTES—REGULARITY OF ENACTMENT—EVIDENCE—DE HORS JOURNALS.—Information alleging that defendant had unlawfully usurped and was unlawfully exercising the rights and jurisdiction pertaining to the office of justice of the peace. It was further alleged that by an act of the legislature the office of justice of the peace and notary public with justice jurisdiction was abolished, and that in its stead were created courts of inferior jurisdiction. On demurrer as to the constitutionality of the act because the journals of the houses did not show that such notice of intention to introduce the act as required by the constitution had been given. *Held,* that "Courts will not hear evidence de hors the journals of the houses to sustain or defeat a statute." *State ex rel. Frederick et al.* v. *Brodie* (1906), — Ala. —, 41 So. Rep. 180.

See preceding note.